

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

FRANCES J. BELISLE AND PIERRE
BELISLE,

Plaintiffs,

v.
ANGELA BAXTER, MICHAEL
WHITTINGTON, LAWRENCE COSTELLO
AND DONALD R. KYLES,

Civil Action No. 3:18cv00514

Defendants.

NOTICE OF REMOVAL

Defendants Laura Baxter (improperly named as Angela Baxter)(“Baxter”), Michael Whittington (“Whittington”) and Lawrence Costello (“Costello)(collectively, “Defendants”), by counsel, pursuant to 28 U.S.C. §§ 1441 and 1446, hereby remove this action from the Circuit Court for the County of Chesterfield (“the Circuit Court”) to the United States District Court for the Eastern District of Virginia, Richmond Division. In support of its Notice of Removal, Defendants state as follows:

REQUIREMENTS OF 28 U.S.C. § 1446

1. On March 26, 2018, Plaintiffs filed a Complaint (attached as Ex. A) in the Circuit Court. On June 28, 2018, Baxter, Whittington and Costello accepted service of the Complaint, respectively¹. On July 24, 2018, Defendants filed a Demurrer (attached as Ex. B), and an Objection to Venue and Motion to Transfer Venue (attached as Ex. C) in the Circuit Court.

¹ The parties agreed that the Defendants’ responsive pleadings to the Complaint would be filed on or before July 30, 2018.

2. Pursuant to 28 U.S.C. § 1446, this Notice of Removal is being filed within thirty (30) days after Defendants' receipt of the Complaint. All Defendants, including Donald R. Kyles, consent to the removal of this action to this Court.

3. Further, and as discussed above, a copy of the Plaintiff's Complaint, and all other pleadings filed by the parties and in possession of Defendants have been attached hereto, including Defendant Donald R. Kyles's Responsive Pleadings (attached as Ex. D) and Objection to Venue and Motion to Transfer Venue (attached as Ex. E).

4. Defendants have given written notice of this removal to the Plaintiff and has filed a copy of this Notice of Removal with the Clerk for the Circuit Court.

JURISDICTION UNDER 28 U.S.C. § 1331

5. Removal of this lawsuit is authorized by 28 U.S.C. § 1441(a) because this Court has original jurisdiction over this civil action under 28 U.S.C. § 1331.

6. Federal question jurisdiction exists pursuant to 28 U.S.C. § 1331 because Plaintiff's Complaint contains allegations that the Defendants violated Plaintiff, Frances J. Belisle's, rights protected by the Fourth and Fourteenth Amendment to the United States Constitution.

WHEREFORE, Defendants Laura Baxter (improperly named as Angela Baxter), Michael Whittington and Lawrence Costello, by counsel, requests that this action be removed from the Circuit Court for the County of Chesterfield to this United States District Court.

**LAURA BAXTER, MICHAEL
WHITTINGTON AND LAWRENCE
COSTELLO**

By Counsel

/s/

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C E R T I F I C A T E

I hereby certify that a true copy of the foregoing was emailed and mailed this 25th day of July, 2018 to:

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